

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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SHAUN J. MATZ,

Plaintiff,

v.

GABRIEL GALLOWAY,

Defendant.

ORDER

Case No. 18-cv-748-wmc  
App. No. 24-1716

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Plaintiff Shaun J. Matz has filed a notice of appeal from an order entered on April 2, 2024. Plaintiff has also filed a motion to use release account funds to pay the entire \$650 appellate filing fee<sup>1</sup>. (Dkt. 43.) For the reasons stated below, this motion will be denied.

When a prisoner files a motion for leave to proceed *in forma pauperis*, the district court must determine whether the prisoner qualifies for indigent status and, if so, what portion of the filing fee the prisoner must prepay under 28 U.S.C. § 1915(b)(1). If the prisoner does not have enough money in his regular inmate account, then prison officials will draw funds first from his regular account, and any portion of the initial partial payment remaining from his release account. *Carter v. Bennett*, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005). This court does not have authority to order prison officials to allow a prisoner to use release account funds for any other purpose, in any other amount.

In this case, plaintiff has not filed a motion to proceed *in forma pauperis* on appeal. Since I have no authority to order prison officials to allow plaintiff to use release account funds in the absence of such a motion, his motion to use release account funds is denied.

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<sup>1</sup> Effective December 1, 2023, the total fee for filing an appeal is \$605 (\$600 docketing fee plus \$5 statutory fee).

ORDER

IT IS ORDERED that that plaintiff Shaun J. Matz's motion for an order directing prison officials to pay the entire \$650 appeal filing fee with funds from his release account is DENIED. Plaintiff may have until May 29, 2024, to pay the filing fee or file a properly supported motion for leave to proceed *in forma pauperis* on appeal.

Entered this 29th day of April, 2024.

BY THE COURT:

/s/  
ANDREW R. WISEMAN  
United States Magistrate Judge